ANNUAL REPORT - 1984

PRINCE EDWARD ISLAND

LAND USE COMMISSION

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During the calendar year 1984 the Land Use Commission engaged in a broad range of activities relating to the use and ownership of land within the province. Sixteen meetings were held during the year. The main activities of the Commission can be summarized as follows:

1. Appeals.

The Land Use Commission hears appeals from persons who are dissatisfied with decisions made by government agencies and municipal governments under the Planning Act and the Unsightly Properties Act. Most appeals (6 in 1984) are submitted by persons or companies who have been refused permission to subdivide their land or from persons who are refused a building permit. In a much smaller number of cases, citizens or municipalities are appealing decisions involving the approval of a subdivision or building permit (0 in 1984). The Commission made decisions on 6 appeals under the Planning Act in 1984. Four were appeals of decisions of the Department of Community and Cultural Affairs; the remainder were appeals of decisions made by municipalities under the authority of Official Plans and Zoning By-laws. The number of appeals heard by the Commission was only half that in the preceding year. In all cases the appeal was denied.

One decision made by the Land Use Commission on a case heard in 1983 was appealed to the Supreme Court. The Commission's decision was upheld on appeal.

By year's end the Commission had received an appeal under Part III of the Planning Act, Major Retail Development. It appears that appeals under this section will be lengthier and more costly than usual appeals heard by the Commission.

2. Lands Protection Act.

The Commission continues to be responsible for making recommendations to Executive Council on all applications from non-residents and non-farm corporations seeking to acquire land in the province under the Lands Protection Act. The Commission is also responsible for the administration of the legislation.

During the course of the year the Commission made recommendations on 109 non-resident and 42 corporate applications. Land Identification Agreements were recommended for 4 properties. Two requests to release land from land identification agreements were granted. One application for a special permit was received and processed.

The vast majority of applications under the Lands Protection Act continue to be routine in nature. Gifts and bequests between related individuals, transfers between one non-resident and another, transfers from an individual to his company, etc., make up the bulk of the transactions under the Act.

There continued to be a marked reduction in the number of applications received as compared to the period before 1981. In part, the reduction reflects a lower level of activity in the land market. In addition, under the new Lands Protection Act, farm corporations are exempt, non-resident exemptions have been slightly broadened, and parcels of one acre or less within incorporated municipalities are no longer considered as land.

3. Public Hearings.

No public hearings were held in 1984. Public hearings on land use policy are normally held at the request of Executive Council.

4. Official Plans.

Revised Official Plans were approved for the Communities of

Bunbury-Southport and Cornwall. Amendments to Official Plans were approved for the Communities of New Haven-Riverdale, North River and Winsloe. Most suburban communities in the Charlottetown and Summerside areas now have their own Official Plans and administer their own subdivision and building regulations. Several are now reviewing their Official Plans which have been in effect for several years. Official Plans for the Communities of Eastern Kings and Kinkora were received by year's end but had not yet been approved.

5. Municipal Boundary Extensions.

Two applications for municipal boundary extensions were received during the year from the Towns of Kensington and Montague. Approval for Montague was recommended, while a decision on Kensington was still pending at the end of 1984. Under the new Municipalities Act, a vote of the residents in the area to be annexed is no longer required. It can be anticipated that the number of requests for boundary extension will increase in the future.

6. Composition of the Commission.

The composition of the Commission remained unchanged from 1983. Mr. Philip Curley, Mr. Gregory Deighan and Mr. Eric Fullerton were reappointed for two-year terms. Mr. Joseph Walsh remains as Commission Chairman.

Joseph Walsh
Chairman

February 26, 1985